

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DISTRICT**

**IN RE ANDROGEL ANTITRUST
LITIGATION (II)**

Case No. 1:09-md-2084 (TWT)

**THIS FILING APPLIES TO:
ALL DIRECT PURCHASER CLASS ACTIONS**
C.A. No. 1:2009cv00958-TWT
C.A. No. 1:2009cv00956-TWT
C.A. No. 1:2009cv00957-TWT
C.A. No. 1:2009cv02913-TWT

**AMENDED AND RENEWED MOTION FOR APPOINTMENT OF A
PLAINTIFFS' LEADERSHIP STRUCTURE FOR ALL DIRECT
PURCHASER CLASS ACTIONS**

Plaintiffs' counsel in all of the direct purchaser class actions have conferred and, subject to the Court's approval, agreed upon an interim organizational structure to govern prosecution of the cases. Plaintiffs filed a Motion for Appointment of a Plaintiff's Leadership Structure for All Direct Purchaser Class Actions on December 9, 2009. [D.E. 32 (attached as Exh. A)] The Motion was unopposed. The Court has not ruled on the Motion. In the interim, the leadership

structure proposed in the Motion has been informally cooperating with each other and coordinating the work as if the Motion had been granted.

Since the time that the Motion was filed, Linda P. Nussbaum, one of the members of the proposed leadership team, moved to a new law firm, Grant & Eisenhofer, P.A (“G&E”), from the firm at which she previously worked, Kaplan, Fox & Kilsheimer, LLP (“Kaplan Fox”). Plaintiffs are filing this Amended and Renewed Motion to substitute Ms. Nussbaum’s new firm for the prior firm, Kaplan Fox does not object to this substitution. Accordingly, Plaintiffs request that their Motion be amended by: (1) replacing all references in the original motion to “Kaplan Fox” with “Grant & Eisenhofer, P.A.”; and (2) replacing the discussion on pages 6 and 7 of the original motion regarding the background of Kaplan Fox with the following discussion regarding the background of G&E:

Grant & Eisenhofer, P.A. G&E is one of the most respected litigation boutiques in the nation. The Firm has been lead counsel in many of the largest recoveries in U.S. history, including over \$12 billion dollars recovered for its clients over the last five years alone. G&E has been named one of the nation’s “Top Ten Plaintiff’s Firms” by the National Law Journal virtually every year since the List’s inception and, in 2008, the Firm was named to the National Law Journal’s Plaintiffs’ Hall of Fame. G&E has offices in Wilmington, Delaware, New York, NY and Washington, D.C. with over 110 attorneys and staff members.

The attorneys with primary responsibility for this matter at G&E, Linda Nussbaum and John Radice, combined have decades of

experience litigating complex antitrust class actions. Ms. Nussbaum has served as sole or co-lead counsel in many significant antitrust class actions, resulting in substantial recoveries for the class, many in the realm of hundreds of millions of dollars. Mr. Radice has represented plaintiffs in a number of precedent-setting antitrust class actions and, together with Ms. Nussbaum, has published or presented at conferences and symposia on antitrust and other areas. .

This description of G&E background and qualification is supported by the Declaration of Linda Nussbaum, which is attached as Exhibit B.

CONCLUSION

For the reasons set forth above and in the initial Motion, Plaintiffs respectfully request the Court approve the proposed organizational structure to which all counsel in the direct purchaser class actions have agreed and appoint Grant & Eisenhofer, P.A., Berger & Montague, P.C., and Garwin Gerstein & Fisher LLP as Co-Lead Interim Class Counsel. A proposed order is attached as Exhibit C for the Court's consideration

Dated: February 25 , 2011

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